

### **REMARKS**

The Examiner has objected to the drawings on the grounds that they fail to show text labels of the parts or features as described in the specification. Applicants have included a proposed drawing correction incorporates these text labels. Furthermore, the Examiner objected to the drawings because they are not thick, clear and well defined. Accordingly, Applicants have supplied corrected drawing sheets in compliance with 37 CFR 1.121(d).

In regard to the objection of Claim 9, Applicants have modified this claim such that the preamble now reads "The system of claim 8, wherein the system comprises:". Accordingly, Applicants request that the Examiner now withdraw the objection to Claim 9.

Applicants respectfully request reconsideration of the prior art rejection set forth by the Examiner under 35 U.S.C. §§102 and 103. Applicants respectfully submit that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants presently claimed invention. More specifically, Applicants note that according to the present invention, a method for purchasing, downloading or transferring audio and/or video data files through video broadcast is disclosed. In accordance with the embodiments of the invention, the user signals the set top box of the viewing system that they have interest in downloading the audio and/or video data file being offered in a video broadcast. The box records the time and channel being viewed and, where applicable, the user ID. Periodically the box transmits this information to the controlling server when it subsequently reports in. The server then transmits the requested data either over the Internet or by broadcasting back to the set top box where it can be downloaded to a desired format.

To more specifically define the claimed invention, Applicants have modified the independent claims to reflect recording of the time and channel being viewed and data is matched with a particular offer for the requested information. Applicants respectfully submit that the references of record fail to teach or suggest this advance in the art.

Ellis et al., U.S. Publication No. 2003/0149988, is directed to an interactive program guide ("IPG") that not only displays program listings but also allows users to select programs for recording on a remote or local media server. See Abstract. More specifically, Ellis et al. discloses that a user instructs the program guide to generate a main menu or other desired program guide display screen for display. See Page 10, ¶ 116. In addition to providing the user with the opportunity to access TV program data, the program guide provides the user with the opportunity to record programs on demand at a remote media server or local media server or to review listings that have either been recorded or selected for recording. See Page 11, ¶ 133. In contrast, the present invention allows a user to order audio or video data which is offered in a video broadcast. Specifically, it allows a user to signal the set-op box that he or she wishes to order the offered audio or video data. This advantageously allows a user to order audio or video data without interrupting his or her viewing experience by precluding the user from having to access an IPG, select a program listing, and then request that the same be recorded.

A review of the references confirms that there is simply no teaching nor suggestion whatsoever regarding Applicants presently claimed subject matter and accordingly, Applicants respectfully request that the Examiner now withdraw the rejections and allow all claims in the application.

Appl. No. 09/733,824  
Amdt. Dated February 25, 2005  
Reply to Office Action of August 25, 2004

Respectfully submitted,

Date: 2/25/05

  
(Reg. #37,607)

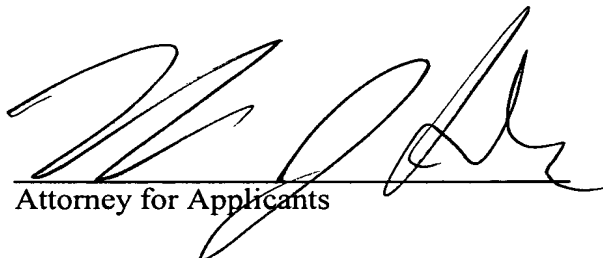
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